

Narcotics Law Bulletin

in this issue:

2007 Annual Index

	Issue	Page
AIDING AND ABETTING		
Part of alleged drug-protection detail waits outside, Gobbi (1st Cir.),	Feb.	2
BORDER SEARCH		
SUV with luggage rack crosses during border agent shift change, Delaney (9th Cir.),	Feb.	3
CHAIN OF CUSTODY		
Property clerk fails to testify regarding evidence; arresting officer fails to identify it at trial, Hodge (3d Cir.),	Feb.	4
CIRCUMSTANTIAL EVIDENCE		
Customs agents can only circumstantially connect cocaine to flight from Guatemala, Diaz-Calderon (4th Cir.), . Mar.	Mar.	5
CONSENT		
After officers hand suspect citation, suspect asks for directions, Munoz-Villalba (3d Cir.),	Nov.	2
Allegedly beaten suspect claims consent brought about by fear, Venzant-Diaz (10th Cir.),	Oct.	1
Suspect offers to give up guns for release, Biggs (7th Cir.),	July	2
Suspect's girlfriend opens door after police knock on it, Floyd (11th Cir.),	Aug.	3
CONSPIRACY		
Defendant claims he was only buying part of marijuana shipment, Givens (11th Cir.),	Feb.	1
Two brothers claim to have been on the outside of the family business, Farias (5th Cir.),	Jan.	6
DRUG DOG		
Officer notices air fresheners when driver rolls down car window, Mendoza (10th Cir.),	Jan.	1
ENTRAPMENT		
Mob member following orders unable to plead entrapment defense, Luisi (1st Cir.),	May	4
Suspect claims police pressured him to deliver other criminals, Smith (5th Cir.),	Apr.	4

	Issue	Page		Issue	Page
EVIDENCE					
“Dope wads,” “packaged for sale,” and “dealers often carry” all brought under fire, Hickson (11th Cir.), .. Jan.	4		Evidence, Mossburgh (KS),	Apr.	6
Suspect has cell phone, gun, and crack in his underwear, Starling (4th Cir.), Apr.	2		Evidence, Pizarro (MA),	June	7
IDENTIFICATION			Evidence, Stephenson (LA),	Mar.	7
Suspect involved in collision and foot chase with officers, Lynch (3d Cir.), Mar.	2		Expert witness, Shelton (IN),	Feb.	7
IN BRIEF			Informant, Mueller (MN),	May	7
Affidavit, Gentile (SC),	June	8	Intent, Cubeau (WA),	Dec.	8
Confession, Stephenson (CT),	Mar.	7	Intent, Laurent (LA),	Dec.	7
Consent, Boles (FL),	Apr.	6	Possession, Tubbs (AR),	June	7
Consent, Cantor (CA),	May	7	Prejudicial effect, Ogletree (OH),	Jan.	7
Consent, Gray (GA),	May	7	Probable cause, Gallagher (MA),	Feb.	8
Consent, Velez (TX),	Apr.	7	Probable cause, Moore (WA),	Nov.	8
Definition, Jones (CT),	Feb.	7	Probable cause, Rosario (NJ),	Mar.	8
Detention, Gilbert (KY),	Feb.	8	Probable cause, Salas (WI),	Oct.	8
Detention, Lane (GA),	Oct.	6	Reasonable suspicion, Gonzales (TX),	July	8
Evidence, Hardy (NC),	Mar.	8	Reasonable suspicion, Jennings (NY),	May	8

For authorization to photocopy, please contact the Copyright Clearance Center at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400; fax (978) 646-8600 or West's Copyright Services at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Narcotics Law Bulletin is published and copyrighted by Thomson/West, 610 Opperman Drive, P.O. Box 64526 St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to, Narcotics Law Bulletin, 610 Opperman Drive, P.O. Box 64526 St. Paul, MN 55164-0526.



610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084
email: west.customerservice@thomson.com
west.thomson.com/quinlan
ISSN 8755-8289
© 2008 Thomson/West. All Rights Reserved.
Quinlan™ is a Thomson/West brand.

Warrant, James (TX),	Dec.	7
Warrantless search, Baker (OH),	Nov.	7
Warrantless search, Doud (TX),	Oct.	7
Warrantless search, Dowdy (NJ),	Nov.	6
Warrantless search, Petri (OR),	Aug.	8
Warrantless search, Soderlind (WA),	Oct.	7
INNOCULATORY STATEMENTS		
Man arrested on state charges makes statements concerning pending federal charges, Judon (8th Cir.),	Feb.	5

	Issue	Page		Issue	Page
INFORMANT			REASONABLE SUSPICION		
Informant tip gets color of truck wrong, Traxler (10th Cir.),	Apr.	1	Narcotics officer stops car reportedly involved in gunfight, Coker (3d Cir.),	May	3
Officer fails to mention that informant has criminal history during warrant application, Williams (8th Cir.),	Mar.	3	Officers approach two men in area described as "drug market," Collins (4th Cir.),	Oct.	2
INTENT			Suspect gets in another car for only a minute, Cotton (4th Cir.),	Apr.	5
Woman claims she didn't know about drugs in car, Howard (11th Cir.), ..Dec.	2				
KNOCK AND ANNOUNCE			REMOVAL		
Suspect refutes officers' claims that they knocked and announced, Perkins (6th Cir.),	Nov.	1	DHS agent argues his removal from the agency for helping woman get her marijuana prescription filled, Wilson (Fed. Cir.),	Jan.	3
MIRANDA			SEARCH		
Suspect claims Polish greeting restarted interrogation, Robak (7th Cir.), Sept.	1		Suspect challenges validity of guest's consent, Hilliard (8th Cir.),	July	1
PATDOWNS			STING		
Officer tells man to stop walking, suspecting he drove with suspended license, Williams (3d Cir.),	Jan.	2	Sting targets plan to rob other narcotics dealers, Taylor (11th Cir.),	Apr.	3
POSSESSION			STRIP SEARCH		
Drugs found in a different car from suspect's, Ngo (10th Cir.),	June	4	Officer conducts strip search of suspect in common backyard, Campbell (7th Cir.),	Oct.	4
Illegal immigrants get stopped in rental car, Valera-Ramirez (8th Cir.),	Aug.	1	TRAFFIC STOP		
Man arrested after riding in van containing drugs, Esquivel-Ortega (9th Cir.),	June	3	Border patrol agent is suspicious of suspect's lack of towing equipment, Hinojosa-Echavarria (5th Cir.),	Nov.	3
Man driving U-Haul full of marijuana claims that the drugs aren't his, Le (10th Cir.),	May	1	Known narcotics dealer flees officer, acts nervous, Neely (11th Cir.),	Mar.	4
Truck driver claims no knowledge of cocaine in load of tomatoes, Ramos (11th Cir.),	May	2	Nervous driver has unbelievable travel plan, Contreras (10th Cir.),	Dec.	4
POSTAL INTERCEPT			Temporary tag obscured by dust and grime, Monje-Contreras (10th Cir.),	Aug.	2
Police hold up package for 10 minutes, Quoc Viet Hoang (9th Cir.),	June	2	WARRANTLESS SEARCH		
PROBABLE CAUSE			Residence exudes overwhelming chemical smell, Layman (10th Cir.),	Sept.	4
72 hours pass before submission of warrant affidavit, Harvey (6th Cir.),	June	1	WARRANTS		
			Affidavit simply states 'black male' seen with drugs, Hendon (11th Cir.),	Dec.	1
			Suspect questions warrant's reliability, Bramlett (11th Cir.),	Sept.	2

WITNESSES

Defendant claims coconspirator
and investigator bias, Sherrod (4th Cir.), Mar. 1

